



Reprinted  
January 29, 2016

---

## HOUSE BILL No. 1232

---

DIGEST OF HB 1232 (Updated January 28, 2016 1:26 pm - DI 109)

**Citations Affected:** IC 25-0.5; IC 25-1.

**Synopsis:** Background checks for real estate brokers. Requires an individual applying for an initial real estate broker's license to submit to a national criminal history background check at the cost of the individual. Requires an individual seeking a renewal of a real estate broker's license to submit to an expanded criminal history check or a national criminal history background check at the cost of the individual. Allows for the Indiana professional licensing agency to determine whether individuals seeking certain initial licenses or initial certificates administered by the agency to submit to either an expanded criminal history check or a national criminal history background check at the cost of the individual.

**Effective:** July 1, 2016.

---

---

### Clere, Hale

---

---

January 11, 2016, read first time and referred to Committee on Employment, Labor and Pensions.  
January 26, 2016, reported — Do Pass.  
January 28, 2016, read second time, amended, ordered engrossed.

---

---

HB 1232—LS 6769/DI 109





Reprinted  
January 29, 2016

Second Regular Session of the 119th General Assembly (2016)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

## HOUSE BILL No. 1232

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 25-0.5-1-20.5 IS ADDED TO THE INDIANA  
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2016]: **Sec. 20.5. IC 25-1.1-4 applies to an**  
4 **individual licensed or certified under IC 25-34.1-3-4.1 (real estate**  
5 **brokers).**  
6 SECTION 2. IC 25-1-1.1-4, AS AMENDED BY P.L.3-2014,  
7 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
8 JULY 1, 2016]: Sec. 4. (a) This section applies to an individual who is  
9 applying for, or will be applying for, an initial license or an initial  
10 certificate under one (1) of the occupations or professions described in  
11 IC 25-0.5-1.  
12 (b) **The following definitions apply throughout this section:**  
13 (1) **"Expanded criminal history check" has the meaning set**  
14 **forth in IC 20-26-2-1.5.**  
15 (2) ~~As used in this chapter, "national~~ **"National** criminal history  
16 background check" means the criminal history record system  
17 maintained by the Federal Bureau of Investigation based on

HB 1232—LS 6769/DI 109



1 fingerprint identification or any other method of positive  
2 identification.

3 (c) An individual applying for an initial license or initial certificate  
4 specified in subsection (a) shall submit to:

5 **(1) an expanded criminal history check; or**

6 **(2) a national criminal history background check at the cost of the**  
7 **individual.**

8 **The Indiana professional licensing agency shall make the**  
9 **determination whether an individual shall submit to an expanded**  
10 **criminal history check or a national criminal history background**  
11 **check under this section.**

12 (d) The:

13 **(1) state police department; or**

14 **(2) consumer reporting agency regulated under 15 U.S.C.**  
15 **1681 et seq.;**

16 shall release the results of **an expanded criminal history check or a**  
17 **national criminal history background check** conducted under this  
18 section to the Indiana professional licensing agency.

19 (e) A board, a commission, or a committee may conduct a random  
20 audit and require an individual seeking a renewal of a license or a  
21 certificate specified in subsection (a) to submit to **an expanded**  
22 **criminal history check or a national criminal history background**  
23 **check at the cost of the individual.**



## COMMITTEE REPORT

Mr. Speaker: Your Committee on Employment, Labor and Pensions, to which was referred House Bill 1232, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1232 as introduced.)

GUTWEIN

Committee Vote: Yeas 7, Nays 4

## HOUSE MOTION

Mr. Speaker: I move that House Bill 1232 be amended to read as follows:

Page 1, after line 5, begin a new paragraph and insert:

"SECTION 2. IC 25-1-1.1-4, AS AMENDED BY P.L.3-2014, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. (a) This section applies to an individual who is applying for, or will be applying for, an initial license or an initial certificate under one (1) of the occupations or professions described in IC 25-0.5-1.

(b) **The following definitions apply throughout this section:**

(1) **"Expanded criminal history check" has the meaning set forth in IC 20-26-2-1.5.**

(2) ~~As used in this chapter, "national~~ **"National** criminal history background check" means the criminal history record system maintained by the Federal Bureau of Investigation based on fingerprint identification or any other method of positive identification.

(c) An individual applying for an initial license or initial certificate specified in subsection (a) shall submit to:

(1) **an expanded criminal history check; or**

(2) a national criminal history background check at the cost of the individual.

**The Indiana professional licensing agency shall make the determination whether an individual shall submit to an expanded criminal history check or a national criminal history background check under this section.**

(d) The:

(1) state police department; **or**



**(2) consumer reporting agency regulated under 15 U.S.C. 1681 et seq.;**

shall release the results of **an expanded criminal history check or** a national criminal history background check conducted under this section to the Indiana professional licensing agency.

(e) A board, a commission, or a committee may conduct a random audit and require an individual seeking a renewal of a license or a certificate specified in subsection (a) to submit to **an expanded criminal history check or** a national criminal history background check at the cost of the individual."

(Reference is to HB 1232 as printed January 26, 2016.)

THOMPSON

